

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

ROQUES JACINTO FERNANDEZ,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:10CV00084 SNLJ
)	
CHRISTY NICOLE BAILEY,)	
)	
Defendant.)	

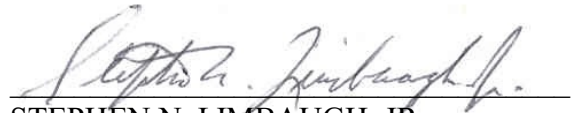
MEMORANDUM AND ORDER ON ATTORNEY FEES AND COSTS

The Hague Convention and ICARA provide for an award of attorney fees and costs to the person who is successful in obtaining the return of a child. Hague Convention Article 26, 42 U.S.C. § 11607(b)(3). Section 11603 provides that the Court shall order the respondent to pay necessary expenses by or on behalf of the petitioner including court costs, legal fees, foster home or other care during the course of proceedings and the action and transportation costs related to the return of the child, unless the respondent establishes such order would be clearly inappropriate. 42 U.S.C. § 11603(b)(3). Under ICARA, the Court must make the award unless the respondent meets the burden of showing inappropriateness. *Feder v. Evans-Feder*, 63 F.3d 217, 226 (3rd Cir. 1995). Petitioner has requested an award of fees and costs. Petitioner has provided an accounting of attorney fees and costs known up to the time of trial. Respondent did not establish that an order based on the costs and attorney fees known up to the time of trial would be clearly inappropriate. The Court finds petitioner's requested costs and attorney fees up to the time of trial are reasonable.

Petitioner will be given 15 days from the date of this Order to supplement his request for any additional attorney fees incurred at trial, additional costs, and for necessary travel costs for

the return of the children to Panama. Respondent will be granted 10 days from petitioner's supplemental application to file any objection to the request. At that time, the Court will make a determination regarding additional attorney fees, costs, or expenses request made by petitioner.

SO ORDERED this 1st day of September, 2010.


STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE